

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

TERRA PARTNERS; TERRA XXI, LTD.; §  
ROBERT WAYNE VEIGEL; §  
ELLA MARIE WILLIAMS VEIGEL; §  
VEIGEL FARMS, INC.; §  
VEIGEL CATTLE COMPANY; and §  
VEIGEL FARM PARTNERS, §  
§  
Plaintiffs, § No. 2:15-cv-236-J  
§ Judge Robinson  
v. §  
§  
AG ACCEPTANCE CORPORATION, §  
§  
Defendant. §

**AG ACCEPTANCE'S MOTION FOR SUMMARY JUDGMENT**

Defendant Ag Acceptance Corporation (“**Defendant**” or “**Ag Acceptance**”) moves for summary judgment on the issues set forth below. As permitted by Local Rule 56.3(b), the requirements of Local Rule 56.3(a) are set forth in the accompanying Brief in Support of Defendant’s Motion for Summary Judgment.

Ag Acceptance moves for summary judgment on its own breach of contract counterclaim against the Veigels. The filing of this lawsuit violates a prior settlement agreement between the parties (the “**Friemel Settlement**”) wherein the Veigels agreed not to challenge Ag Acceptance’s “right of title, ownership, [or] possession” of the property at issue. Because this lawsuit challenges Ag Acceptance’s right of title and ownership of the Texas property, the Veigels have breached the Friemel Settlement and must be held liable for all damages, including Ag Acceptance’s attorneys’ fees incurred defending this lawsuit. Ag Acceptance requests that the Court enter judgment in its favor on the counterclaim and issue an award of damages not less than \$75,000.00. Alternatively, Ag Acceptance requests that the Court enter judgment in its

favor on the Veigels' liability for breach of contract and set a hearing or briefing schedule on the amount of damages.

Additionally, Ag Acceptance has filed a Rule 12(b)(6) Motion to Dismiss all of the Veigels' claims. Dkt. #39, Motion to Dismiss ("MTD"). The MTD is still pending. Ag Acceptance renews all of the arguments in its Motion to Dismiss and adds additional grounds for summary judgment seeking dismissal of all of the Veigels' affirmative claims against Ag Acceptance.

WHEREFORE, Defendant/Counter-Plaintiff Ag Acceptance requests that the Court enter judgment in favor of Ag Acceptance on its breach of contract counterclaim against the Veigels and award damages of \$75,000.00 or in an amount to be determined after submission of all evidence on attorneys' fees. Ag Acceptance also requests that the Court dismiss all of Plaintiffs' causes of action with prejudice as to their refiling. Ag Acceptance requests all other relief to which it may be entitled.

Dated: February 5, 2016

Respectfully submitted,

/s/ Barbara Whiten Balliette

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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court on February 5, 2016 using the CM/ECF system, which sent notification of such filing to the following:

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